

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

In re the Application of

Inventors : Curtis Freeman
Application No. : 10/574,185 From PCT/IB04/051815
Filed : March 30, 2006
**For : APPARATUS AND METHOD FOR RETURN
NOTIFICATION FOR STAND-ALONE EQUIPMENT**

APPEAL BRIEF

On Appeal from Group Art Unit 2612

W. Brinton Yorks, Jr.

**US PHILIPS CORPORATION
22100 Bothell Everett Highway
Bothell, WA 98021
Phone: (425) 487-7152
Fax: (425) 487-8135**

Attorney for Appellant

TABLE OF CONTENTS

	<u>Page</u>
I. REAL PARTY IN INTEREST.....	3
II. RELATED APPEALS AND INTERFERENCES.....	3
III. STATUS OF CLAIMS.....	3
IV. STATUS OF AMENDMENTS.....	3
V. SUMMARY OF CLAIMED SUBJECT MATTER.....	3-4
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.....	4-5
VII. ARGUMENT.....	6-10
A. Rejection of Claims 1-8 and 11-18 as unpatentable over US Patents 6,320,505 (Scott), 6,317,045 (Suzuki), 5,283,546 (Scop et al.), 5,877,676 (Shankarappa), and application publication US 2002/0156740 (Maloney)	
B. Rejection of Claims 9 and 19 as unpatentable over US Patents 6,320,505 (Scott), 6,317,045 (Suzuki), and application publication US 2002/0156740 (Maloney)	
C. Rejection of Claims 10 and 20 as unpatentable over US Patents 6,320,505 (Scott), 6,317,045 (Suzuki), and application publication US 2002/0158751 (Bormaster)	
VIII. CONCLUSION.....	10
APPENDIX A: CLAIMS APPENDIX.....	11-15
APPENDIX B: EVIDENCE APPENDIX.....	16
APPENDIX C: RELATED PROCEEDINGS.....	17

W. Brinton Yorks, Jr.
August 13, 2008

I. REAL PARTY IN INTEREST

The real party in interest is Koninklijke Philips Electronics N.V., Eindhoven, The Netherlands by virtue of an assignment recorded June 27, 2006 at reel 018010, frame 0802.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-20 are pending in the application and stand finally rejected. The claims being appealed are Claims 1-20.

IV. STATUS OF AMENDMENTS

No amendments were filed in response to the final rejection mailed April 3, 2008.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The subject matter of the claimed invention as per independent Claims 1 and 11 is a method and apparatus for notification that equipment is due for return to a home station. This invention is well suited for use with medical electronic equipment such as automatic external defibrillators (AEDs), which Members of the Board have likely seen in public buildings such as airports, shopping malls, and office buildings. Generally AEDs are displayed in full public view in glass door cases, where they can be immediately found and used by EMS medical professionals and layperson first responders to treat victims stricken by cardiac arrest. Cardiac arrest, which is caused by ventricular fibrillation, must be treated in a matter of minutes if the victim is to be saved. As a guideline, a cardiac arrest victim should be treated within 12 minutes to

prevent serious brain damage or death. Thus, AEDs, when pressed into service, are used under very harrowing conditions. When the victim has been resuscitated or transported to a hospital, the AED should be returned to its storage case so it will be available when needed again. The present invention can be used to cause the AED to generate a reminder alarm a predetermined time after it is activated, such as 3-6 hours, reminding anyone nearby to return the AED to its storage case. In the illustrated embodiment of Fig. 1 medical equipment 100 such as an AED contains a countdown timer 102 as a reminder alarm timeout which is connected to an integral reminder alarm such as the audio 106, video 107 or flasher 108. A control circuit 101 arms the countdown timer 102 with a default timeout configuration or an optional timeout configuration at the home station, the storage case in the instance of an AED. The countdown timer for an AED could be armed when the AED is removed from the storage case by transmission from the home station case to an antenna 103, the closure of a switch when the AED is removed from the case, or when the AED is powered up. When the timeout of the countdown timer expires, the selected reminder alarm is generated from the equipment to remind nearby personnel to return the AED to the home station case. This operation is describe on page 3, line 25 to page 5, line 5 of the present application. In the variation of Claims 9 and 19 the reminder alarm 106, 107, 108 is reset with a mechanical reset device at key access 301, and in the variation of Claims 10 and 20 the reminder alarm is automatically reset by a wireless transmission from the home station to the antenna 103 when the equipment is returned, as described on page 3, lines 30-31.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-8 and 11-18 were correctly rejected under 35 U.S.C. §103(a) as unpatentable over US Patents 6,320,505 (Scott), 6,317,045 (Suzuki), 5,283,546 (Scop et al.), 5,877,676 (Shankarappa), and application publication US 2002/0156740 (Maloney);

Whether Claims 9 and 19 were correctly rejected under 35 U.S.C. §103(a) as unpatentable over US Patents 6,320,505 (Scott), 6,317,045 (Suzuki), and application publication US 2002/0156740 (Maloney); and

Whether Claims 10 and 20 were correctly rejected under 35 U.S.C. §103(a) as unpatentable over US Patents 6,320,505 (Scott), 6,317,045 (Suzuki), and application publication US 2002/0158751 (Bormaster).

VII. ARGUMENT

A. Rejection of Claims 1-8 and 11-18 as unpatentable over US Patents 6,320,505 (Scott), 6,317,045 (Suzuki), 5,283,546 (Scop et al.), 5,877,676 (Shankarappa), and application publication US 2002/0156740 (Maloney)

Amended Claim 1 describes a method for notification of return of equipment having at least one function to a home station, comprising the steps of providing said equipment with an integral reminder alarm and reminder alarm timeout for return of the equipment to the home station, said reminder alarm timeout having a default timeout configuration; optionally configuring the reminder alarm timeout configuration at the home station; arming the reminder alarm timeout; and when the timeout expires, generating the reminder alarm from the equipment to return the equipment to the home station. Amended Claim 11 describes an apparatus for notification that equipment having at least one function is due for return to a home station, comprising a reminder alarm integral to the equipment for notification that the equipment is due for return to the home station, said reminder alarm having a default timeout configuration; a timeout device; and a control device to optionally configure the reminder alarm timeout configuration at the home station, and arm the timeout device with the configured timeout, and when the timeout expires, generate a reminder alarm to return the equipment to the home station, said alarm generating according to the timeout configuration. An implementation of the present invention will help a home station assure that equipment it leases or is taken for use for a period of time is returned on time. The equipment has a reminder alarm which alarms when the equipment is to be returned, reminding the borrower or user to return the equipment. Since the reminder alarm system is integral to the equipment, it cannot become separated from the equipment. The configuration of the reminder alarm timeout can be configured by the home station in accordance with the time when the equipment is to be returned, thereby accommodating loan or use periods of different lengths.

The Scott patent describes a holder or rack for a VCR cassette which reminds the renter when to return the cassette so that the renter does not incur late fees. It is

seen that the alarm is not integral to the equipment being rented, the cassette, but entirely separate, contrary to the claimed invention. The alarm must be set by the renter and cannot be adjusted by the cassette rental store, which is also contrary to the claimed invention. The Scott device is unreliable in that it is dependent upon timely action by the renter in order to operate correctly. For example, if the cassette renter gets home and forgets to put the cassette in the alarm rack until the next day, the alarm will be off by a day and the cassette will still be returned late. It is also not clear how the rack with its single alarm can accommodate multiple cassettes as indicated by the multiple holders, as cassettes rented on different days would have different but overlapping rental periods.

For the rejection of Claims 1 and 11 the Examiner adds Suzuki, which describes a voice guide player 21 that is carried by visitors to an exhibit or gallery to describe items which are on display. The player is activated by a transmitter 3 when the user enters the exhibition hall 22 and can then be used to play back information about the exhibits 10. When the visitor exits the hall at 5, another transmitter 4 disables the player and plays a message requesting the visitor to return the player, and, optionally, produces a warning alarm to prevent the player from being taken from the building. This reference was cited for its showing of an integral alarm but, like the VCR cassette of Scott, it also lacks the integral reminder alarm timeout and control device to time the use period until the player is due to be returned. Suzuki does not rely on time at all, but on receipt of a code when the player passes the transmitter 4. Thus it is respectfully submitted that the combination of Scott and Suzuki cannot render the invention of Claims 1 and 11 unpatentable.

Also unexplained is why one skilled in the art of VCR cassette racks would look to the complex coded transmission system of a voice guide security player and control system for guidance, or vice versa. In other words, why these references of so disparate subject matter can be combined for a §103 rejection. It is respectfully submitted that the only answer can be that the selection of these references was guided by the elements of the claimed invention, not any logical basis by which one subject matter commends itself to the other.

Claims 2, 4, 6, and 7 depend from Claim 1 and Claims 12, 14, 16, and 17 depend from Claim 11. It is respectfully submitted that these claims are patentable over Scott and Suzuki by reason of their dependency.

For the rejection of Claims 3 and 13 the Examiner added Scop et al. Scop et al. describe a roadside emergency call box which powers up when the door of the box is opened and starts a timeout to put the box in low power operation if it is not used in

a predetermined time period. The emergency call box is never taken anywhere with a need to be returned in a prescribed time period as is the case of the claimed invention. Furthermore, it is not clear why one would combine the teaching of a roadside emergency call box with that of a VCR cassette holder and a voice guide player security and control system, except for the claimed invention. Scott gives no indication that power conservation is an objective with his cassette holder nor does Suzuki, so there is no reason to combine the two references. The Examiner simply says that the Scott VCR rack would benefit from a power conservation mode. Why is not clear, as the means for supplying power 7 in Scott looks like a plug connection which would supply a continuous flow of electricity. Moreover, the Scop et al. patent also lacks the integral reminder alarm and a reminder alarm timeout configuration which can be configured at a home station, the same deficiencies as Scott and Suzuki. For these reasons it is respectfully submitted that Claims 1 and 11 and their dependent Claims 3 and 13 are patentable over Scott, Suzuki and Scop et al.

For the rejection of Claims 5 and 15 the Examiner added Shankarappa to Scott and Suzuki. Shankarappa describes an alerting sequence for a device such as a telephone which varies the ring sound in accordance with the length of time the alert (ringing telephone) has been sounding. It is not clear why a telephone ring system, a VCR cassette holder, and a voice guide player security and control system commend themselves for combining, except for the claimed invention. Furthermore, the Shankarappa patent also lacks the integral reminder alarm and a reminder alarm timeout configuration which can be configured at a home station, the same deficiencies as Scott and Suzuki. For these reasons it is respectfully submitted that Claims 1 and 11 and their dependent Claims 5 and 15 are patentable over Scott, Suzuki and Shankarappa.

Claims 8 and 18 were rejected as being unpatentable over Scott, Suzuki, and further in view of Maloney. Maloney describes a storage box for vehicle keys which tracks when keys are taken from and returned to the box, and the length of time that a set of keys is gone. Scott is only interested in timing the time when a cassette is put in his rack until the due date for returning the cassette. He is not interested in knowing when cassettes are taken from or returned to the holder nor the length of time that a cassette is gone from the holder for use in a VCR player. Scott is not interested in complicating his cassette holder with a password or key input or the necessity of entering a password or inserting a key to reset the holder to a default time to return of a cassette. Scott wants his timer to start on the simple placement of a cassette in the holder. Suzuki is not interested in time at all; the time that the visitor spends in the

exhibition hall is of no concern to Suzuki, only the passage of the player by the exit transmitter 4. Consequently there is no reason for combining the vehicle key storage box of Maloney with the cassette holder of Scott or the voice guide player security and control system of Suzuki, except for the claimed invention. Furthermore, the Maloney patent also lacks the integral reminder alarm and a reminder alarm timeout configuration which can be configured at a home station, the same deficiencies as Scott and Suzuki and the other references. For these reasons it is respectfully submitted that Claims 1 and 11 and their dependent Claims 8, and 18 are patentable over Scott, Suzuki and Maloney.

B. Rejection of Claims 9 and 19 as unpatentable over US Patents 6,320,505 (Scott), 6,317,045 (Suzuki), and application publication US 2002/0156740 (Maloney)

Claim 9 depends from Claim 1 and adds the further steps of providing the home station with a mechanical key reset device that resets the reminder alarm when mechanically engaged with the reminder alarm, including a key controller in the reminder alarm that resets the reminder alarm to the default timeout configuration on mechanical engagement with the mechanical key reset device. Claim 19 depends from Claim 11 and adds the feature that the home station is a mechanical key reset device that resets the reminder alarm when mechanically engaged with the reminder alarm; and the reminder alarm further comprises a key controller that resets the reminder alarm to the default timeout configuration on mechanical engagement with the mechanical key reset device. A mechanical key can be used to reset all of the pieces of equipment, *e.g.*, all of the AEDs in a building can be reset with the same key. There are no codes to remember to reset the equipment. Maloney describes keys with attached key cards that are inserted into slots of a storage drawer. Each key card is different so that the storage drawer electronics can detect which keys are present in the drawer. The insertion or removal of a key card from a slot can start and stop a timer in the drawer to time how long a key was absent from the drawer. See paragraph [0048]. However, no alarm is used or reset by the key cards. Furthermore, it is unclear why a key tracking storage drawer should be combined with a VCR cassette rack and a voice guide player security and control system, absent the claimed invention. Moreover, the keys and key cards of Maloney, the items which can be

removed from the drawer, lack the integral reminder alarm and a reminder alarm timeout configuration which can be configured at a home station, the same deficiencies as Scott and Suzuki and the other references. For these reasons it is respectfully submitted that Claims 9 and 19 are patentable over Scott, Suzuki and Maloney.

C. Rejection of Claims 10 and 20 as unpatentable over US Patents 6,320,505 (Scott), 6,317,045 (Suzuki), and application publication US 2002/0158751 (Bormaster)

Claim 10 depends from Claim 1 and further recites the steps of providing the home station as one of an infrared transmitter and a radio frequency transmitter having a given range that continually transmits a reminder alarm reset signal; and including a corresponding one of an infrared sensor and a radio frequency receiver in the provided reminder alarm that resets the reminder alarm to the default timeout configuration on receipt of the transmitted reset signal, wherein the reminder alarm is continually reset whenever the equipment is within the given range of the home station. Claim 20 depends from Claim 11 and further recites that the home station is one of an infrared transmitter and a radio frequency transmitter having a given range and which continually transmits a reminder alarm reset signal; and the reminder alarm further comprises a corresponding one of an infrared sensor and a radio frequency receiver that resets the reminder alarm to the default timeout configuration on receipt of the transmitted reset signal, wherein the reminder alarm is continually reset whenever the equipment is within the given range of the home station. This feature automatically resets the reminder alarm when an AED, for example, is returned to its home station storage case, without the need for any action by the person returning the unit. Bormaster describes an inventory control system in which inventory items in an area have RFID tags which are read by a radio. The RFID tags are associated with their specific inventory items by a computer. When an inventory item is outside the RF field of the radio, the absence of the item is noted by the computer and when the item returns to the range of the radio, its return to the area is noted. The computer can also time the duration that an item is absent and sound an alarm if a time limit is exceeded. See paragraph [0030]. Personnel responsible for the items can then go look for them. But there is no alarm on an inventory item which is wirelessly reset by the radio, the feature of Claims 10 and 20. Furthermore, there is no reason why an RFID inventory control system should be combined with the VCR cassette holder of

Scott and the voice guide player security and control system of Suzuki, absent the language of Claims 10 and 20. Moreover, the Bormaster patent also lacks the integral reminder alarm and a reminder alarm timeout configuration which can be configured at a home station, the same deficiencies as Scott and Suzuki and the other references. For these reasons it is respectfully submitted that Claims 1 and 11 and their dependent Claims 10 and 20 are patentable over Scott, Suzuki and Bormaster.

VIII. CONCLUSION

Based on the law and the facts, it is respectfully submitted that Claims 1-8 and 11-18 are patentable over any combination of Scott, Suzuki, Scop et al., Shankarappa and Maloney; that Claims 9 and 19 are patentable over Scott, Suzuki and Maloney, and that Claims 10 and 20 are patentable over Scott, Suzuki, and Bormaster. Accordingly, it is respectfully requested that this Honorable Board reverse the grounds of rejection of these claims stated in the April 3, 2008 Office action being appealed.

Respectfully submitted,

CURTIS FREEMAN

By: /W. Brinton Yorks, Jr./
W. Brinton Yorks, Jr.
Reg. No. 28,923

APPENDIX A: CLAIMS APPENDIX

The following Claims 1-20 are the claims involved in the appeal.

1. (previously presented) A method for notification of return of equipment having at least one function to a home station, comprising the steps of:
providing said equipment with an integral reminder alarm and reminder alarm timeout for return of the equipment to the home station, said reminder alarm timeout having a default timeout configuration;
optionally configuring the reminder alarm timeout configuration at the home station;
arming the reminder alarm timeout; and
when the timeout expires, generating the reminder alarm from the equipment to return the equipment to the home station.

2. (previously presented) The method of claim 1, further comprising the step of upon return of the equipment to the home station, resetting the reminder alarm timeout configuration to said default configuration.

3. (previously presented) The method of claim 1, wherein the generating step further comprises the step of when the equipment is not essential, disabling the at least one function of the equipment.

4. (original) The method of claim 1, wherein:
the providing step further comprises providing a default reminder alarm progression;
the configuring step further comprises optionally configuring the progression for said reminder alarm; and
the generating step further comprises generating a sequence of progressive reminder alarms according to said configured progression.

5. (original) The method of claim 4, wherein said configuring step further comprises setting the progression to one of an incremental increase and random

variation in at least one of the intensity of the reminder alarm and frequency of the reminder alarm.

6. (previously presented) The method of claim 1, wherein said generating step further comprises generating the reminder alarm as at least one repetition of at least one of an audio tone, an audio message, a visual signal, and a video text message.

7. (original) The method of claim 6, wherein:
the providing step further comprises providing a default reminder alarm progression;
the configuring step further comprises optionally configuring the progression for said reminder alarm; and
and the generating step further comprises generating said at least one repetition as a sequence of progressive reminder alarms according to said configured progression.

8. (previously presented) The method of claim 1, further comprising the steps of:
providing said home station as a touchpad input device that accepts a password input via the touchpad;
inputting a password via said touchpad; and
resetting said reminder alarm to said default timeout configuration on input of a predetermined password.

9. (previously presented) The method of claim 1, further comprising the steps of:
providing said home station as a mechanical key reset device that resets the reminder alarm when mechanically engaged with said reminder alarm; and
including a key controller in said provided reminder alarm that resets said reminder alarm to said default timeout configuration on mechanical engagement with the mechanical key reset device.

10. (previously presented) The method of claim 1, further comprising the steps of:

providing said home station as one of an infrared transmitter and a radio frequency transmitter, having a given range that continually transmits a reminder alarm reset signal; and

including a corresponding one of an infrared sensor and a radio frequency receiver in said provided reminder alarm that resets said reminder alarm to said default timeout configuration on receipt of said transmitted reset signal,

wherein said reminder alarm is continually reset whenever said equipment is within the given range of the home station.

11. (previously presented) An apparatus for notification that equipment having at least one function is due for return to a home station, comprising:

a reminder alarm integral to the equipment for notification that the equipment is due for return to the home station, said reminder alarm having a default timeout configuration;

a timeout device; and

a control device to

optionally configure the reminder alarm timeout configuration at the home station, and

arm the timeout device with the configured timeout, and

when the timeout expires, generate a reminder alarm to return the equipment to the home station, said alarm generating according to the timeout configuration.

12. (previously presented) The apparatus of claim 11, wherein said control device is further configured to upon return of the equipment to the home station, reset the reminder alarm timeout configuration to said default timeout configuration.

13. (previously presented) The apparatus of claim 11, wherein said control device is further configured to when the equipment is not essential, disable the at least one function of the equipment.

14. (previously presented) The apparatus of claim 11, wherein:
the reminder alarm timeout configuration further comprises a default reminder alarm progression;

the control device is further configured to:

optionally configure the progression for said reminder alarm, and
generating a sequence of progressive reminder alarms according to
said configured progression.

15. (original) The apparatus of claim 14, wherein said control devices is further configured to set the progression to one of an incremental increase and random variation in at least one of the intensity of the reminder alarm and frequency of the reminder alarm.

16. (previously presented) The apparatus of claim 11, wherein said control device is further configured to generate the reminder alarm as at least one repetition of at least one of an audio tone, an audio message, a visual signal, and a video text message.

17. (previously presented) The apparatus of claim 16, wherein the control device is further configured to:

provide a default reminder alarm progression;

optionally configure the progression for said reminder alarm; and

generate the at least one repetition as a sequence of progressive reminder alarms according to said configured progression.

18. (previously presented) The apparatus of claim 11, wherein:
said home station is a touchpad input device that accepts a password input via the touchpad; and

said control device is further configured to reset said reminder alarm to said default timeout configuration on input of a predetermined password via the touchpad.

19. (previously presented) The apparatus of claim 11, wherein:

said home station is a mechanical key reset device that resets the reminder alarm when mechanically engaged with said reminder alarm; and

said reminder alarm further comprises a key controller that resets said reminder alarm to said default timeout configuration on mechanical engagement with the mechanical key reset device.

20. (previously presented) The apparatus of claim 11, wherein:

said home station is one of an infrared transmitter and a radio frequency transmitter, having a given range and that continually transmits a reminder alarm reset signal; and

said reminder alarm further comprises a corresponding one of an infrared sensor and a radio frequency receiver that resets said reminder alarm to said default timeout configuration on receipt of said transmitted reset signal,

wherein said reminder alarm is continually reset whenever said equipment is within the given range of the home station.

APPENDIX B: EVIDENCE APPENDIX

None. No extrinsic evidence has been submitted in this case.

APPENDIX C: RELATED PROCEEDINGS

None. There are no related proceedings.